

IN THE SENATE

SENATE BILL NO. 1036

BY SCHROEDER

AN ACT

RELATING TO BRIBERY AND CORRUPTION; AMENDING SECTION 18-1356, IDAHO CODE, TO PROHIBIT CERTAIN PECUNIARY BENEFITS TO POSTSECONDARY EDUCATION ADMINISTRATORS AND ENTITIES AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-1356, Idaho Code, be, and the same is hereby amended to read as follows:

18-1356. GIFTS TO PUBLIC SERVANTS BY PERSONS SUBJECT TO THEIR JURISDICTION. (1) Regulatory and law enforcement officials. No public servant in any department or agency exercising regulatory functions, or conducting inspections or investigations, or carrying on civil or criminal litigation on behalf of the government, or having custody of prisoners, shall solicit, accept or agree to accept any pecuniary benefit from a person known to be subject to such regulation, inspection, investigation or custody, or against whom such litigation is known to be pending or contemplated.

(2) Officials concerned with government contracts and pecuniary transactions. No public servant having any discretionary function to perform in connection with contracts, purchases, payments, claims or other pecuniary transactions of the government shall solicit, accept or agree to accept any pecuniary benefit from any person known to be interested in or likely to become interested in any such contract, purchase, payment, claim or transaction.

(3) Judicial and administrative officials. No public servant having judicial or administrative authority and no public servant employed by or in a court or other tribunal having such authority, or participating in the enforcement of its decisions, shall solicit, accept or agree to accept any pecuniary benefit from a person known to be interested in or likely to become interested in any matter before such public servant or a tribunal with which he is associated.

(4) Legislative and executive officials. No legislator or public servant shall solicit, accept or agree to accept any pecuniary benefit in return for action on a bill, legislation, proceeding or official transaction from any person known to be interested in a bill, legislation, official transaction or proceeding.

(5) Postsecondary education administrators. No public servant serving as the president of a public postsecondary institution of instruction shall solicit, accept or agree to accept any pecuniary benefit from a person known to be interested in or likely to become interested in any matter before such public servant or an entity, public or private, profit or nonprofit, with which he is associated.

(6) Exceptions. This section shall not apply to:

1 (a) ~~ff~~Fees prescribed by law to be received by a public servant, or any other benefit
2 for which the recipient gives legitimate consideration or to which he is otherwise legally
3 entitled; ~~or~~

4 (b) ~~g~~Gifts or other benefits conferred on account of kinship or other personal,
5 professional or business relationship independent of the official status of the receiver; ~~or~~

6 (c) ~~t~~Trivial benefits not to exceed a value of fifty dollars (\$50.00) incidental to personal,
7 professional or business contacts and involving no substantial risk of undermining official
8 impartiality; or

9 (d) ~~b~~Benefits received as a result of lobbying activities that are disclosed in reports
10 required by chapter 66, title 67, Idaho Code. This exception shall not apply to any
11 activities prohibited by subsections (1) through (~~4~~5) of this section.

12 (~~6~~7) Offering benefits prohibited. No person shall knowingly confer, or offer or agree to
13 confer, any benefit prohibited by the foregoing subsections.

14 (~~7~~8) Grade of offense. An offense under this section is a misdemeanor and shall be
15 punished as provided in this chapter.